



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

Minutes
December 13, 2011
APPROVED

Present:

JN: John Nappi **JE:** Jerry Earl **BM:** Brian Martin **LB:** Linda Bown **LG:** Lucy Gertz
ES: Ed Smith **JK:** Jeff Kablik **MM:** Matt Marro

Attachments:

1. Agenda
2. 59 Bowers Ave. Notice of Intent – 10/25/11
3. 59 Bowers Ave. Site Inspection Checklist – 12/1/11
4. Whitman & Bingham Peer Review Report for 25 Parham Rd. – 10/20/11
5. 151 Scribner Rd. Site Inspection Checklist – 11/30/11
6. 2 Independence Dr. Emergency Certification & Site Inspection Checklist – 12/5/11
7. 298 Middlesex Rd. Site Inspection Checklist – 12/2/11
8. 186 Frost Rd. (Red Pine Terrace) Site Inspection Checklist – 11/18/11
9. River Front Park Email from Allen Curseaden – 12/9/11
10. Hunter Property Site Inspection Checklist – 11/22/11
11. Parlee Farms Use of Woodchips Information
12. Conservation Commission Letyter to George McGovern – 12/1/11
13. Lake Massapoag Aquatic Vegetation Survey Report - 2010

7:00pm BM opened meeting

7:02pm **59 Bowers Ave. (M26, P54, L11, 12, 13 & 14) – Notice of Intent, DEP# 309-0851** for the proposed construction of a 25' x 26' garage addition, driveway and updated utilities within 100 ft. of Lake Mascuppic.

ES: Motion to waive the reading of the legal ad and abutters list.

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Atty. Doug Deschenes, architect Phil Thibalt, and engineer Matt Waterman appeared before the Commission for the applicant Becky Plourde. Commission member ES disclosed that he lives on Bowers Ave. but is not an abutter to this project. Atty. Deschenes explained that Ms. Plourde is proposing to add a 25' x 26' 2 car garage, deck, driveway and updated utilities. Mr. Waterman went on to explain that the project is within the 100' buffer zone and would require no tree removal. In addition, a variance was received by the ZBA for this project. The existing home sits at an elevation of ~153' at the front of the house, and goes up to ~168' at the rear. Currently, FEMA lists the home in the Flood Plain, however the applicant is applying for a Letter of Map Revision

(LOMR) since there have been other LOMR filings for the street that have moved the flood plain line closer to the shore of Lake Mascuppic. JK asked if the driveway would increase the amount of impervious surface on the property. Mr. Watermen said that the driveway pitches toward the front of the home to the street and would not slope to the backyard and the lake. The Commission requested that a french drain system be installed along the planned driveway in order to capture any excess runoff. The deck would be on sono tubes only and not on a foundation. Also, appropriate erosion controls would be installed. MM reported that the closest work point to the lake is 37' and there are no structures proposed in the 30' no touch zone. He went on to recommend a Standard Order of Conditions for this project. There were no abutters present to speak on this project.

ES: Motion to close the hearing

JN: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

ES: Motion to issue a Standard Order of Conditions for 59 Bowers Ave. per plans dated 11/9/11 with the condition that a French drain system be installed along the planned driveway.

LG: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

7:30pm 25 Parham Road/6 Woodlawn St., d.b.s. Thirsty's Pub (M31A, P113/P114) – Notice of Intent, DEP# 309-0847 for the proposed construction of a parking area with associated grading & drainage improvements. Continued from 10/25/11.

Engineer Ken Lania appeared before the Commission with a status update of this project. Mr. Lania explained that he was working with Jim Hustins of the Tyngsborough Highway Dept. to obtain the drainage information for that area. In addition, Mr. Lania is working with Commission engineer Brian Milisci as well in order to ascertain what provisions need to be incorporated into the Thirsty's plans that won't negatively impact the entire area. Therefore, Mr. Lania asked the Commission for a 30 day continuance.

JK: Motion to continue this hearing until January 24, 2012.

ES: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Director's Determinations:

151 Scribner Rd. – Tree Removal

MM explained that there are four trees that abut the driveway that were damaged by the October 2011 storm and would cause further damage if they fell.

JK: Motion to approve the Director's Determination for 151 Scribner Rd.

LB: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Director's Reports

2 Independence Dr. – MM reported that he issued an Emergency Certification to hand remove storm damage debris from this property. In addition, he advised the property owner to file an RDA if they wish to remove any of the standing dead and/or damaged trees. No further action is required.

298 Middlesex Rd. – MM marked out the wetlands as approved by the Commission and worked with the property owner to implement a clean-up plan.

186 Frost Rd. (Red Pine Terrace) – MM reported that the restoration work is progressing. There has been a massive amount of slash removal and clean-up, and the wood chips have been placed on the site. MM will continue to monitor.

Discussion

Riverfront Park Supplemental Repair Work

Selectwoman Elizabeth Coughlin appeared before the Commission to bring them up to speed on the status of the embankment stabilization project that has been discussed among the Board of Selectmen over the past several months. There was much debate concerning the appropriate method of restoration and who will perform the work. Ms. Coughlin said that consultant Leah Basbanes developed a plan that included the use of “eco-logs” for the project instead of rip-rap. Before reviewing Ms. Basbane’s report, MM’s initial recommendation was to use rip-rap, but after reviewing Ms. Basbane’s report, he felt that that remedy would also work. Selectman Allen Curseaden was present and spoke against the use of Ms. Basbane’s methodology, instead supporting the use of rip-rap as a remedy for the problem. In addition, Mr. Curseaden spoke with Pam Merrill of DEP who said that the use of rip-rap was an acceptable remedy for riverbank stabilization.

E. Coughlin said that the work that needs to be done is an appropriate remedy for this small area that needs to be stabilized. A. Curseaden reiterated to the ConCom that this would be an interim remedy and is insufficient for the scope of this problem on the riverbank. He stressed that the whole embankment should be evaluated for a complete stabilization project. The ConCom asked if this work was covered under the Order of Conditions, and E. Coughlin indicated that it was her understanding that it was. MM noted that further research should be done on a complete embankment project. JK went on to say that the ConCom would appreciate a proposal of such a project come from the Board of Selectmen.

Finally, it was determined that the Board of Selectmen are spearheading this small embankment stabilization project, and they would update the ConCom when necessary.

Hunter Property Farming

Mark and Ellen Parlee of Parlee Farms appeared before the Commission concerning their lease of the Hunter property. Currently they are under a lease that will expire in June of 2012. Town Administrator M. Gilleberto was present and reported that the Board of Selectmen are reviewing their options for farming/leasing the property and the Parlee’s should not expect to renew the lease in 2012. Further discussion with all parties will happen in the future with the Board of Selectmen, but for now all town own land should be vacated and left in good condition. Mr. Parlee indicated that he would comply with that request.

Lake Massapoag Aquatic Survey Report

JK felt that the report was acceptable, however, ES noted that there were some problems and inconsistencies with this report. He went on to say that perhaps the Lake Massapoag Rod & Gun Club group could come in and answer some questions for the Commission. That meeting will be scheduled in the near future.

LB: Motion to request the Lake Massapoag Rod & Gun Club representatives come to a future Conservation Commission meeting to discuss the Aquatic Vegetation Survey Report.

JK: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Administrative:

LB: Motion to approve the minutes for November 8, 2011 meeting.

JN: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

LB: Motion to approve the minutes for November 22, 2011 meeting.

JE: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

9:50pm

JE: Motion to adjourn

LB: 2nd the motion

In Favor: 7 Opposed: 0

Passes: 7-0

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant